

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

IN ADMIRALTY

C-MAR AMERICA, INC.

VERSUS

CASE NO. 1:18-cv-193-LG-RHW

**MPV UNCLE JOHN, *IN REM*, AND
MODERN AMERICAN RECYCLING
SERVICES, INC., *IN PERSONAM***

VERIFIED COMPLAINT

TO THE HONORABLE DISTRICT COURT:

COMES NOW, though undersigned counsel, Plaintiff C-MAR America, Inc. and files this Verified Complaint against the Multi-Purpose Vessel UNCLE JOHN, IMO No. 7529902 its engines, machinery, tackle, appurtenances, apparel, etc., *in rem*, pursuant to Federal Supplemental Admiralty and Maritime Rule C, and Modern American Recycling Services, Inc., *in personam*, pursuant to Federal Supplemental Admiralty and Maritime Rule B, and in support thereof will show unto this Court as follows:

Jurisdiction and Venue

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. This case is within this Court's admiralty and maritime jurisdiction pursuant to 28 U.S.C. § 1333.

2. At all material times, the MPV UNCLE JOHN, IMO No. 7529902, was and still is a Bahamian Flag, semi-submersible, multi-service vessel engaged in the carriage of goods by sea and for hire between various foreign and domestic ports.

3. Venue is proper as the MPV UNCLE JOHN, IMO No. 7529902 is now or will be within this district and within the jurisdiction of this Court during the pendency of process hereunder.

Parties

4. Plaintiff C-MAR America, Inc. is a duly organized and validly existing corporation under the laws of the State of Texas with its principal place of business located at 2000 S. Dairy Ashford, Suite 465, Houston, Texas 77077, and may be contacted through undersigned counsel. As detailed more fully below, Plaintiff C-MAR America, Inc. provided labor, personnel, services, and materials to the UNCLE JOHN between July and August 2016.

5. Defendant *in rem* is the multi-purpose vessel UNCLE JOHN, IMO No. 7529902, and its engines, machinery, tackle, appurtenances, apparel, etc. pursuant to Federal Supplemental Admiralty and Maritime Rule C.

6. Upon information and belief, the UNCLE JOHN was owned and/or operated by Uncle John Holding, LLC at the time Plaintiff C-MAR America, Inc. provided labor, personnel, services, and materials to the UNCLE JOHN. Uncle John Holding, LLC is a foreign entity which does not maintain a place of business or registered agent within the State of Mississippi, and may be served with process at 20 Sin Ming Lane #03-56, Mid City View, Singapore 573968.

7. Defendant *in personam* is Modern American Recycling Services, Inc. ("MARS"), a corporation organized under the laws of the State of Louisiana. MARS recently purchased or acquired an ownership interest in the UNCLE JOHN. Although MARS is presently doing business within the State of Mississippi, MARS is not authorized to do so. MARS may be served through

its last known registered agent for service of process, Dwight J. Canton, 499 Powhattan Ct., Gibson, Louisiana 70356.

Factual Background

8. Between July and August 2016, Plaintiff C-MAR America, Inc. provided necessary labor, personnel, services, and materials to the UNCLE JOHN, the value of said labor, personnel, services, and materials is at least THREE HUNDRED SIXTY-EIGHT THOUSAND EIGHT HUNDRED NINETY-ONE and 20/100 DOLLARS (\$368,891.20).

9. The labor and personnel provided by Plaintiff C-MAR America, Inc. included the vessel master, chief engineer, second mate bosun, electricians, able-bodied seamen, and other crew as were necessary in furtherance of the vessel's mission, and therefore qualify as seamen under the General Maritime Law of the United States. The monies owed to C-MAR America, Inc. for such labor and personnel qualify as seamen's wages under the General Maritime Law of the United States.

10. Plaintiff C-MAR America, Inc. provided the labor, personnel, services, and materials to the UNCLE JOHN as requested and agreed to. However, Plaintiff has not been paid to date.

Rule C, *In rem*

11. Plaintiff re-alleges and incorporates the foregoing paragraphs as if fully restated herein.

12. Plaintiff C-MAR America, Inc. provided necessary labor, personnel, services, and materials to the UNCLE JOHN with a value of at least THREE HUNDRED SIXTY-EIGHT THOUSAND EIGHT HUNDRED NINETY-ONE and 20/100 DOLLARS (\$368,891.20). C-MAR America, Inc. has a maritime lien against the UNCLE JOHN for this amount which is hereby asserted *in rem*.

Quantum Meruit

13. Plaintiff re-alleges and incorporates the foregoing paragraphs as if fully restated herein.

14. Plaintiff C-MAR America, Inc. provided necessary labor, personnel, services, and materials to the UNCLE JOHN.

15. Defendant Modern American Recycling Services, Inc. benefited from the labor, personnel, services, and materials provided by Plaintiff. The UNCLE JOHN was maintained, properly crewed, repaired, and/or improved by the labor, personnel, services, and materials provided by the Plaintiff.

16. Plaintiff provided labor, personnel, services, and materials to and for the benefit of the Defendant.

17. The fair and reasonable value and benefit for the unpaid labor, personnel, services, and materials totals at least THREE HUNDRED SIXTY-EIGHT THOUSAND EIGHT HUNDRED NINETY-ONE and 20/100 DOLLARS (\$368,891.20).

Rule B, In personam

18. Plaintiff re-alleges and incorporates the foregoing paragraphs as if fully restated herein.

19. Plaintiff avers upon information and belief that Defendant Modern American Recycling Services, Inc. cannot be found within this district, within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, and there, the MPV UNCLE JOHN may be condemned and sold pursuant to this Court's writ of attachment.

20. On information and belief, Defendant Modern American Recycling Services, Inc. is the owner of the MPV UNCLE JOHN, IMO No. 7529902, which is subject to be condemned and sold pursuant to this Court's writ of attachment.

As to All Causes of Action

21. Plaintiff has performed all obligations required of it pursuant to its agreement to provide labor, personnel, services, and materials to the MPV UNCLE JOHN.

22. All and singular, the matters alleged are true and correct.

23. Plaintiff C-MAR America, Inc. reserves the right to amend and supplement this Verified Complaint as further facts become available.

WHEREFORE Plaintiff C-MAR America, Inc. prays that:

- (1) The Clerk of Court issue a warrant for the arrest of the multi-purpose, semi-submersible vessel UNCLE JOHN, IMO No. 7529902, her engines, tackle, apparel, etc. and that all persons claiming any right, title, or interest in said vessel may be summoned to appear and answer under oath all and singular the matters aforesaid and that said vessel may be condemned and sold to pay the demand as aforesaid, together with interest thereon, costs, and attorney's fees;
- (2) The Clerk of Court issue a summons with process of attachment and garnishment against the Defendant Modern American Recycling Services, Inc., and if said Defendant cannot be found within this district, then its goods, chattels, and credits within the district, and particularly the MPV UNCLE JOHN, may be condemned and sold to pay the aforesaid demand, together with interest thereon, costs, and attorney's fees;
- (3) Process in due form of law issue against Defendant Modern American Recycling Services, Inc., citing them to appear and answer this Verified Complaint;
- (4) Enter judgment in favor of Plaintiff C-MAR America, Inc. on its claims against the MPV UNCLE JOHN, IMO No. 7529902, *in rem*, and against the Defendant Modern

American Recycling Services, Inc., *in personam*, and award damages to Plaintiff in the amount of at least \$368,891.20, plus pre-judgment interest, costs, and fees; and

(5) That Plaintiff C-MAR America, Inc. be awarded such other relief as it may be entitled to receive.

Respectfully submitted this 7th day of June, 2018.

/s/ Michael J. Thompson, Jr.
Michael J. Thompson, Jr.
Mississippi Bar No. 103772
THOMPSON LAW OFFICE, PLLC
P.O. Box 280
Gulfport, MS 39502
Phone: (228) 265-5010
E-mail: mike@mjtlaw.com

PLEASE ISSUE SUMMONSES AND COMPLAINT TO:

Modern American Recycling Services, Inc.
Through its registered agent
Dwight J. Canton
499 Powhattan Ct.
Gibson, Louisiana 70356

VERIFICATION

STATE OF TEXAS

COUNTY OF HARRIS

I, RON MURRAY, hereby declare and state:

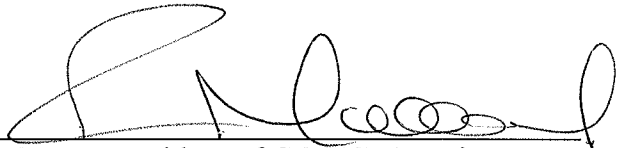
I am over the age of eighteen and I am competent to make and swear to the statements herein. I have personal knowledge of the facts herein stated, and such facts are true and correct, and are based on my personal knowledge.

I am president of C-MAR America, Inc., Plaintiff in the above and foregoing Verified Complaint. I am authorized to provide this Verification on behalf of C-MAR America, Inc.

I verify under solemn affirmation the facts alleged in C-MAR America, Inc.'s Verified Complaint are true and correct to the best of my knowledge and information based upon the records of C-MAR America, Inc., except as to any matters stated to be alleged upon information and belief, and as to those matters I believe them to be true.

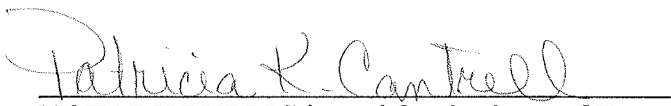
Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 7th day of June, 2018.



Ron Murray, president of C-MAR America, Inc.

SUBSCRIBED AND SWOR TO before me on this 7th day of June, 2018, to certify which witness my hand and seal of office.



NOTARY PUBLIC in and for the State of Texas

(seal)

